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IN THE CLAIMS

Please amend claims 44 and 47, as indicated in the list of pending claims

below.

PENDING CLAIMS

1-34. (Canceled)

35. (Previously Presented): A tissue acquisition device useful in retrieving

tissue samples from a patient, comprising:

an inner cannula having a proximal end, a distal end, a longitudinal axis

extending between said proximal and distal ends, a tubular sidewall, a cut out in the

sidewall proximal to the distal end and a main lumen extending within at least a portion

of the inner cannula to the cut out in the sidewall;

an outer cannula having a proximal end, a distal end, a longitudinal axis

extending between said proximal and distal ends, a tubular sidewall, a cut out in the

tubular sidewall of the outer cannula proximal to the distal end and a main lumen

extending within at least a portion of the outer cannula;

a tissue penetrating distal tip;

an electrically conducting cutting wire slidably and rotatably disposed in

the inner lumen of the inner cannula, having a proximal end and a distal end and having

a cutting loop at a said distal end which is configured to rotate from a position within the

inner cannula out of the inner cannula through the cut out in the side wall thereof in a

plane traversing the longitudinal axes of the inner and outer cannulas to a position

exterior to the outer cannula, to move longitudinally in a direction generally parallel to

the longitudinal axes exterior to the outer cannula and to rotate from a position exterior

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to the outer cannula into the inner cannula through the cut outs in the side wall of the

inner and outer cannulas in a plane traversing the longitudinal axes.

36. (Previously Presented): The tissue acquisition device of claim 35,

wherein said electrically conducting cutting wire is configured to make electrical contact

with a source of radio-frequency electrical energy.

37. (Previously Presented): The tissue acquisition device of claim 35,

wherein said cutting loop is a RF energy cutting loop.

38. (Previously Presented): The tissue acquisition device of claim 35,

wherein said cutting loop comprises a material selected from the group consisting of

stainless steel, tungsten, platinum, and nickel-titanium alloy.

39. (Previously Presented): The tissue acquisition device of claim 35,

further comprising an electrically conducting distal cutting wire disposed near the distal

end of said device.

40. The tissue acquisition device of claim 39, (Previously Presented):

wherein said electrically conducting distal cutting wire is configured to make electrical

contact with a source of radio-frequency electrical energy.

41. (Previously Presented): The tissue acquisition device of claim 40.

wherein said electrically conducting distal cutting wire comprises a material selected

from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium

alloy.

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42. (Previously Presented): The tissue acquisition device of claim 35, further comprising an end plug disposed on the distal end of said device.

43. (Previously Presented): The tissue acquisition device of claim 42,

further comprising an electrically conducting distal cutting wire disposed distal to said

end plug.

44. (Currently Amended): A tissue acquisition device useful in retrieving

tissue samples from a patient, comprising:

an elongated probe member having a proximal end, a distal end, a tissue

penetrating distal tip at the distal end, a longitudinal axis extending

between said proximal and distal ends, a tubular sidewall, a cut out in the

sidewall proximal to the distal end and an inner lumen extending within at

least a portion of the elongated probe member to and in fluid

communication with the cut out in the sidewall:

an electrically conducting cutting wire which is slidably and rotatably disposed in

said passageway, which has a distal end and a cutting loop at the distal

end which is configured to rotate from a position within the probe member

out of the cut out in the tubular sidewall to a position exterior to the

elongated probe member, to move longitudinally in a direction generally

parallel to the longitudinal axis exterior to the elongated probe member

and to rotate from a position exterior to the elongated probe member into

the elongated probe member through the cut out in the tubular side wall in

a plane traversing the longitudinal axis while subjected to high frequency

electrical power to sever a tissue sample from surrounding tissue.

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45. (Previously Presented): The tissue acquisition device of claim 44,

wherein said electrically conducting cutting wire is configured to be electrically

connected to a source of radio-frequency electrical energy.

46. (Previously Presented): The tissue acquisition device of claim 44,

wherein the cutting loop is formed at least in part of a material selected from the group

consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

47. (Currently Amended) The tissue acquisition device of claim 44.

wherein the tissue penetrating distal tip has an electrically conducting distal cutting wire

extends over the tissue penetrating distal tip to facilitate which facilitates passage

through tissue when the distal cutting wire is subjected to electrical power.

48. (Previously Presented) The tissue acquisition device of claim 35

including a vacuum source in fluid communication with the main lumen of the inner

cannula to draw a tissue specimen into the inner cannula through the cut outs of the

inner and outer cannulas.

49 (Previously Presented) The tissue acquisition device of claim 44

including a vacuum source in fluid communication with the inner lumen of the probe

member to draw a tissue specimen into the inner lumen through the cut out of the probe

member.